

FILED

JUL 25 2023

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY 
DEPUTY CLERK

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5
6 UNITED STATES DISTRICT COURT FOR
7 THE EASTERN DISTRICT OF CALIFORNIA

8 THE PEOPLE OF THE STATE OF CALIFORNIA,

9 Plaintiff,

10 vs.

11 CAROLYN HOPE SCHAUPP, PLAINTIFF AND

12 Defendant

13 Case No.: 1:23-cv-0755-ADA-SAB

14 NINTH CIRCUIT COURT OF APPEAL No.:

15 23-15904

16 Court of Appeal: F086125 (Habeas)

17 Court of Appeal : F084055

18 MOTION FOR CONSOLIDATION 42(A)

19 MOTION TO REOPEN FEDERAL CIVIL CASES:

20 1:20-CV-01221-DAD-BAM

21 1:22-CV-00849-JLT-SAB

22 JURY TRIAL DEMANDED

23 CR20008761 Stanislaus County Superior Court

24 FL20001695 Stanislaus County Superior Court

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26
27
28 MOTION TO CONSOLIDATE - 1

1 PR20000740 Stanislaus County Superior Court
2
3 FL22002219 Stanislaus County Superior Court (Habeus)
4
5 FL22001489 Stanislaus County Superior Court
6
7 22CCADO1060 Los Angeles County Superior Court
8
9 23STPB03148 Los Angeles County Superior Court
10
11 SA2023301466-Motion for Stay Pending Appeal
12 FRCP§15
13 MOTION TO CONSOLIDATE

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15 MOTION TO CONSOLIDATE AND REOPEN CIVIL CASE
16 STAY REQUESTED ON (SA2023301466) FRCP §15
17

18 In accordance with Federal Rule of Civil Procedure 42, Removing Defendant
19 moves to consolidate for trial all matters at issue in these actions. Pursuant to Fed. R. Civ. P.
20 Rule 42(a)(1), which states that, “If actions before the court involve a common question of law
21 or fact, the court may join for hearing or trial any or all matters at issue in the actions. . . .” The
22 Court has “broad discretion” in determining whether consolidation is appropriate, the district
23 court must “determine whether the specific risks of prejudice and possible confusion from
24 consolidation were overborne by the risk of inconsistent adjudications . . . , the burden on parties,
25 witnesses, and available judicial resources posed by multiple lawsuits, the length of time
26
27 MOTION TO CONSOLIDATE - 2

1 required to conclude multiple suits against a single one, and the relative expense to all concerned
2 of the single-trial, multiple trial alternatives.” Campbell v. Boston Scientific Corp., 99
3 Fed.R.Serv.3d 1479 (4th Cir. 2018) (quoting Arnold v. Eastern Air Lines, Inc., 681 F.2d 186,
4 193 (4th Cir. 1982) (internal quotations omitted). Furthermore, the “[p]olicies of judicial
5 economy generally favor the consolidation of related actions.” Eldridge v. McCabe, Weisberg &
6 Conway, LLC, 2012 WL 1416642, *1 (D. Md. 2012) (citing Coyne & Delaney Co. v. Selman,
7 98 F.3d 1457, 1473 (4th Cir. 1996)). The fact that each of the listed actions are without
8 Jurisdiction and based on the Removal action case gives this court Jurisdiction to consolidate the
9 actions. These cases have common questions of law and fact, as plaintiffs in these actions have
10 brought multiple overlapping causes of action and sued Defendant in 7 separate actions based
11 solely on the removal action. The various factors to be considered by this Court weigh in favor of
12 consolidation. Given the overlap of legal and factual issues in these cases, and to minimize the
13 burden on Defendants, Plaintiffs, and the Court, Plaintiffs in the Seven actions have coordinated
14 to use the discovery from the Removal action to prosecute their cases, and have named
15 themselves as witnesses and parties.

19
20 Here, these considerations overwhelmingly support the consolidation of this case with the
21 Listed case. First, the removing defendant and Plaintiff in the Civil Matters related to and before
22 this court brings the causes of action and an England Jennings Reservation was made in the State
23 Court namely, that it breaches the First, Fourth and Fourteenth Amendments by causing onerous
24 and unwarranted “difficulties” for plaintiff and removing Defendant

26 Plaintiffs in these Seven lower Court and Agency Action cases allegedly share
27 common causes of actions: Removing Defendant Filed an Anti-Slapp under California State Law
28

1 which was Defaulted. Removing Defendant brings forward two additional claims: a violation of
2 Plaintiffs' equal protection guarantee under the Fifth Amendment and a conspiracy to violate
3 civil rights under 42 U.S.C. § 1985(3). A consolidated trial would: (1) minimize the burden on
4 the parties, by not requiring Defendants and Plaintiffs to put forth several of the same witnesses
5 in two separate trials (or Seven), (2) promote judicial efficiency and shorten the length of time to
6 resolve these cases by not requiring the Court to conclude seven trials with many identical issues
7 of fact and law, (3) reduce costs to all parties and conserve judicial resources by avoiding
8 unnecessary and duplicative witness testimony and other pre-trial and trial activity, and (4)
9 reduce potential confusion and prejudice to the parties by allowing common issues for both cases
10 to be resolved simultaneously. For the foregoing reasons removing defendant move this Court to
11 consolidate trial in these matters and as provided request the following:
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15 1. Nunc Pro Tunc Order including these actions in the Appeal filed on June 9,
16 2023 and June 12, 2023.
17

18 2. Evidentiary Hearing and Request to be heard on Consolidation.
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21 3. Order to Show Cause for Lack of Jurisdiction based upon Removal Action
22 which would discharge with Prejudice the Related cases subject to this
23 consolidation Motion.
24
25

26 4. Evidentiary hearing regarding Fees and cost of suit.
27
28

Dated: July 18, 2023

By : Carolyn Hope Schaupp

1 CERTIFICATE OF SERVICE

2 I hereby certify that on July 21, 2023 I mailed to file the foregoing with the Clerk of the Court of
3 the Eastern District Federal Court and I served the foregoing to all parties/counsel of record by mail.

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